

Art Unit 2151
Serial No. 09/918,666

Reply to Office Action of 3/20/2006
Attorney Docket No.: K35A0872

REMARKS

The Applicants thank the Examiner for his careful and thoughtful examination of the present application. By way of summary, Claims 1, 2, 11-14, 22, 23, 32-35, 43, 44 and 53-56 were pending in this application. In this response, the Applicants have amended Claims 1, 22 and 43, and have canceled Claims 12-21, 33-42 and 54-63. Accordingly, Claims 1, 2, 11, 22, 23, 32, 43, 44 and 53 remain pending for consideration.

Rejection Under 35 U.S.C. § 112

In rejecting Claims 1, 2, 11, 22, 23, 32, 43, 44 and 53 under 35 U.S.C. § 112, second paragraph, the Examiner indicated that it was unclear how the first and second components of the document can be combined before completion of the receipt of the second component of the document.

The Applicants respectfully submit that the Examiner, in reading these claims, has imported a limitation as to the specific order for executing the elements in these claims where none is indicated by their plain meaning. See, e.g., M.P.E.P. § 2111.01 citing *Altiris, Inc. v. Symantec Corp.*, 318 F.3d 1363, 1371 (Fed. Cir. 2003) ("it is improper to read a specific order of steps into method claims, where, as a matter of logic or grammar, the language of the method claims did not impose a specific order on the performance of the method steps"). Although the claims are correct as originally amended, however, the Applicants have rewritten the claims to make them even clearer, without altering their scope. These claim clarifications are not made for patentability purposes, and the meanings of the claims are not changed by the amendments made in connection with this rejection. Withdrawal of the rejection of Claims 1, 2, 11, 22, 23, 32, 43, 44 and 53 under 35 U.S.C. § 112, second paragraph is therefore requested.

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Rejection Under 35 U.S.C. § 102(e)

The Examiner rejected Claims 1, 2, 11, 22, 23, 32, 43, 44 and 53 as anticipated by U.S. Patent No. 6,965,926 issued to Shapiro *et al.* (Shapiro). The Applicants respectfully traverse this rejection because the Shapiro patent fails to identically teach every element of the claims. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

The Applicants respectfully submit that the claims as previously pending are patentably distinguished over the Shapiro patent. Independent Claims 1, 22 and 43, however, have been amended in order to clarify the features of the Applicants' inventions. These claim amendments are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments.

For example, independent Claim 1 now recites a "method of operating a mobile terminal having first and second communication interfaces, the method comprising the steps of: (a) receiving a first component of a document over a first communication channel via the first communication interface; (b) receiving a second component of the document over a second communication channel via the second communication interface." The Shapiro patent does not disclose these two steps.

Instead, the Shapiro patent teaches that each email client node 435A-C has a single communication interface through which documents are received. Col. 10, ll. 49-54. The Shapiro patent further teaches that the communication interface may be an Ethernet network interface card or a modem. Col. 10, ll. 58-61. However, Shapiro neither teaches nor suggests the step of receiving a first component of a document over a first communication channel via a mobile terminal's first communication interface, and receiving a second component of the document over a second communication channel via a mobile terminal's second communication interface.

Independent Claims 22 and 43 are allowable for at least substantially the same reasons given above with respect to Claim 1. They too have been amended to recite receiving a first component of a document over a first communication channel via a first

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communication interface, and receiving a second component of the document over a second communication channel via a second communication interface.

For at least these reasons, Applicants respectfully submit that every pending independent claim incorporates at least one limitation that is not taught or suggested by Shapiro, and request that the rejections be withdrawn.

Dependent Claims 2, 11, 23, 32, 44 and 53 are dependent upon the above independent claims and are therefore patentable for at least the same reasons given above.

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CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are now in condition for allowance and request reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: June 13, 2006

By: _____


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